

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL; LESLIE KEVIN)	
BILLINGSLEY; ABDUL BROWN;)	Civil Action No. 04-1806
GARY WILLIAMS; ANTHONY ALLEN;)	
and SHAWN JACKSON,)	Chief Judge Donetta W. Ambrose
)	Magistrate Judge Lisa Pupo Lenihan
Plaintiffs,)	
)	
vs.)	
)	
JEFFREY A. BEARD, PH.D., Secretary; JOHN)	
S. SHAFFER, Executive Secretary; LANCE)	
COUTURIER, Chief Psychologist; FRED)	
MAUE, Chief Psychiatrist; SHARON BURK,)	
Chief Grievance Coordinator; JOHN DOE,)	
Director of Classification; NEAL MECHLING,)	
Ex-Superintendent; HARRY WILSON,)	
Superintendent; CAROL A. SCIRE, Grievance)	
Coordinator; L. D. HARRIS, Deputy)	
Superintendent; and MARK KRYSEVIG,)	
Deputy Superintendent sued in official and)	
individual capacities under state color of the law,)	
)	
)	
Defendants.)	

ORDER

The Court entered an order on November 18, 2005, in which no fewer than ten outstanding motions were addressed. The order specifically noted that attorney Phyllis Jin had accepted the Court's request to represent Plaintiffs in this case and that all future court filings should originate from Ms. Jin. Plaintiffs, however, continue to file motions on their own behalf. This order will address Plaintiffs' most recent motions as well as attempt to direct all of the Plaintiffs to utilize counsel for future filings. Therefore,

IT IS ORDERED this 2nd day of February, 2006, that Plaintiffs begin utilizing the

Court appointed attorney, Ms. Phyllis Jin, to file motions on their behalf. Plaintiffs requested the Court to appoint counsel, and since legal representation is essential if Plaintiffs wish to proceed with this matter as a class action, considerable effort was exerted by the Court to obtain an attorney willing to take this case. Should Plaintiffs continue to file motions on their own behalf instead of through appointed counsel, the Court will have no choice but to interpret the filings as Plaintiffs' collective desire to no longer pursue a class action. This interpretation will result in the Court recommending this case proceed with the lead Plaintiff only, with all other Plaintiffs required to submit individual complaints to pursue their claims.

IT IS FURTHER ORDERED that Plaintiff's "Motion Requesting Court Intervention" is **DENIED**. The issues raised in this motion filed by Plaintiff Abdul Brown on behalf of Plaintiff Gary Banks are the same raised in the Motion for Temporary Restraining Order filed 12/5/2005 and the Motion for Temporary Restraining Order filed December 19, 2005. These issues will be addressed by the Court once service is effectuated and counsel has made an appearance on behalf of the Defendants.

IT IS FURTHER ORDERED that Plaintiff's "Motion for the Plaintiff's to Receive a Court Order Permitting Them a Phone Call Once a Week to the Attorney of the Court Docket" is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's "Motion for the Court to Issue a Court Order to Permit Plaintiffs to Use the Mini Law Library Two at a Time" is **DENIED**. The Court has appointed counsel, rendering the need for inmates to meet for the purposes of preparing legal filings for this lawsuit as moot.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Leave to File to Enter into the Court's Records" filed 12/19/2005 is **DISMISSED** for the same reasons an identical motion was

dismissed in the November 18, 2005 order issued by this Court.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Preliminary Injunction and Motion for Temporary Restraining Order both filed December 5, 2005, are **DISMISSED** as they are identical to the motions filed December 19, 2005.

IT IS FURTHER ORDERED that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72.1.3(B) of the Local Rules for Magistrate Judges, the parties are allowed ten (10) days from the date of service of a copy of this Order to file objections to this Order. Failure to file timely objections may constitute a waiver of any appellate rights.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. Magistrate Judge

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